

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
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1 **STAT**
J. BRUCE ALVERSON, ESQ.
2 Nevada Bar No. 1339
KARIE N. WILSON, ESQ.
3 Nevada Bar No. 7957
ALVERSON TAYLOR
4 **MORTENSEN & SANDERS**
7401 W. Charleston Boulevard
5 Las Vegas, NV 89117
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Attorneys for Defendant
7

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 In re-estate of EDGAR H. MALLOY,
EDGAR W. MALLOY, as Sole Administrator of
11 EDGAR H. MALLOY Estate;
EDGAR W. MALLOY, as heir to the Estate of
12 EDGAR H. MALLOY

Plaintiff

13 v.

14 SPX COOLING TECHNOLOGIES, INC.,
a business entity, ROE EMPLOYEE,
15 ROE INDIVIDUALS I through X, and
DOE CORPORATIONS and other business
16 entities I through X, inclusive

17 Defendants.
18

CASE NO: 2:10-cv-00908
DEPT NO:

19 **DEFENDANT SPX COOLING TECHNOLOGIES, INC.'S STATEMENT**
20 **CONCERNING REMOVAL**

21 COMES NOW Defendant, SPX COOLING TECHNOLOGIES, INC. (hereinafter
22 "SPX"), and provides the following Statement Concerning Removal:

23 1. The date on which you first received a copy of the summons and complaint in the
24 removed action: SPX was first served with a copy of the Summons and Complaint on June 1,

1 2010.

2 2. The date on which you were served with a copy of the summons and complaint, if
3 any of those dates are different from the date set forth in item number 1: SPX was served with a
4 copy of the Summons and Complaint on the date listed above.

5 3. In removals based on diversity jurisdiction, the names of any served defendants
6 who are citizens of Nevada, the citizenship of the other parties and a summary of defendant's
7 evidence of the amount in controversy: The removal of this action is based on diversity
8 jurisdiction. SPX is a Delaware corporation with its principal place of business in North
9 Carolina. Plaintiff Edgar H. Malloy was domiciled in Clark County, Nevada, prior to his death
10 on February 7, 2008. See Complaint ¶ V. Plaintiff Edgar W. Malloy is domiciled in Dolores,
11 Colorado. See Complaint ¶ VI.

12 The amount in controversy in this case exceeds \$75,000.00, excluding interest and cost:
13 Plaintiff's Complaint prays for general, special, and punitive damages against SPX arising from
14 the alleged wrongful death of Edgar H. Malloy, including compensatory damages for pain and
15 suffering, loss of enjoyment of life, medical expenses, funeral expenses, miscellaneous expenses,
16 incidental expenses, grief and sorrow, loss of probable support, loss of companionship, and loss
17 of society, comfort, services and consortium. See Plaintiffs' Prayer for Relief, as contained in
18 Complaint.

19 4. If your notice of removal was filed more than thirty (30) days after you first
20 received a copy of the summons and complaint, the reason removal has taken place at this time
21 and the date you first received a paper identifying the basis of removal: Not applicable. The
22 Notice of Removal was filed within thirty (30) days after SPX first received a copy of the
23 Summons and Complaint.

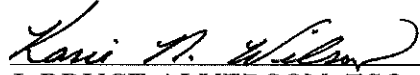
24 5. In actions removed on the basis of this Court's jurisdiction in which the action in

1 state court was commenced more than one year before the date of removal, the reasons this
2 action should not be summarily remanded to the state court. Not applicable. The Notice of
3 Removal was not filed more than one year after the state court action commenced.

4 6. The name of any defendant known to have been served before you filed the notice
5 of removal who did not formally join in the notice of removal and the reasons they did not: SPX
6 is unaware of any defendant who was served before SPX filed the Notice of Removal.

7 Dated this 14th day of June 2010.

8 ALVERSON, TAYLOR
9 MORTENSEN & SANDERS

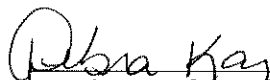
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CERTIFICATE OF MAILING

I hereby certify on this 14th day of June, 2010, I did deposit in the United States Post Office, with postage fully prepaid thereon, the above and forgoing **DEFENDANT SPX COOLING TECHNOLOGIES, INC.'S STATEMENT CONCERNING REMOVAL** addressed to:

Lloyd W. Baker, Esq.
Robert W. Curtis, Esq.
BAKER LAW OFFICES
500 S. Eighth Street
Las Vegas, NV 89101
702-360-4949 Phone
702-360-3234 Fax
Attorney for Plaintiff


Employee of ALVERSON, TAYLOR
MORTENSEN & SANDERS

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